

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

**IN RE: GOOGLE DIGITAL ADVERTISING
ANTITRUST LITIGATION**

No. 1:21-MD-3010 (PKC)

This Motion Relates To:

**IN RE: GOOGLE DIGITAL ADVERTISING
ANTITRUST LITIGATION**

No. 1:21-CV-07001 (PKC)

**DEFENDANTS GOOGLE LLC AND ALPHABET INC.'S NOTICE OF MOTION TO
DISMISS ADVERTISERS' CONSOLIDATED CLASS ACTION COMPLAINT**

FRESHFIELDS BRUCKHAUS
DERINGER US LLP
700 13th Street, NW, 10th Floor
Washington, DC 20005
Telephone: (202) 777-4500
Fax: (202) 777-4555

WILSON SONSINI GOODRICH &
ROSATI
Professional Corporation
One Market Plaza, Spear Tower
Suite 3300
San Francisco, CA 94105
Telephone: (415) 947-2000
Fax: (415) 947-2099

AXINN, VELTROP & HARKRIDER LLP
114 West 47th Street
New York, NY 10036
Telephone: (212) 728-2200
Fax: (212) 728-2201

*Counsel for Defendants Google LLC and
Alphabet Inc.*

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendants Google LLC and Alphabet Inc.’s Motion to Dismiss Advertisers’ Consolidated Class Action Complaint in the above-captioned matter, and the Declaration of Courtney Shadd and exhibits thereto, which are being submitted contemporaneously with this Notice of Motion, Defendants Google LLC and Alphabet Inc. will move this Court, before the Honorable P. Kevin Castel, United States District Judge for the Southern District of New York, located at 500 Pearl Street, New York, NY 10007, at a date and time to be set by the Court, for an Order dismissing with prejudice the federal antitrust claims (Counts I through III and V) in the Consolidated Advertiser Class Action Complaint, ECF No. 399, in their entirety. *See* Fed. R. Civ. P. 12(b)(6); *Ashcroft v. Iqbal*, 556 U.S. 662 (2009); *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007). Google also moves to dismiss all claims by five of the six named Advertiser Plaintiffs on the ground that five named Plaintiffs are bound by valid and enforceable arbitration agreements with Google. *See* Fed. R. Civ. P. 12(b)(3) and 12(b)(6). In the alternative, Google moves for an order compelling those five Advertisers to arbitrate their claims as they agreed.

Dated: February 3, 2023

Respectfully Submitted,

/s/ Justina K. Sessions

Justina K. Sessions

Jonathan Jacobson

Jessica Lonergan

Mikaela Evans-Aziz (admitted *pro hac vice*)

Vadim Egoul

WILSON SONSINI GOODRICH &
ROSATI

Professional Corporation

One Market Plaza, Spear Tower

Suite 3300

San Francisco, CA 94105

(415) 947-2000
jsessions@wsgr.com
jjacobson@wsgr.com
jlonergan@wsgr.com
mevansaziz@wsgr.com
vegoul@wsgr.com

Eric Mahr
Julie Elmer
Andrew J. Ewalt (admitted *pro hac vice*)
Jan Rybnicek (admitted *pro hac vice*)
Lauren Kaplin
Robert J. McCallum
FRESHFIELDS BRUCKHAUS
DERINGER US LLP
700 13th Street NW, 10th Floor
Washington, DC 20005
(202) 777-4500
eric.mahr@freshfields.com
julie.elmer@freshfields.com
andrew.ewalt@freshfields.com
jan.rybnicek@freshfields.com
lauren.kaplin@freshfields.com
rob.mccallum@freshfields.com

John Harkrider
Daniel Bitton
Bradley Justus (admitted *pro hac vice*)
Koren Wong-Ervin (admitted *pro hac vice*)
AXINN, VELTROP & HARKRIDER LLP
114 West 47th Street
New York, NY 10036
Telephone: (212) 728-2200
jharkrider@axinn.com
dbitton@axinn.com
bjustus@axinn.com
kwongervin@axinn.com

*Counsel for Defendants Google LLC and
Alphabet Inc.*